

**CRIMINAL DOCKET  
UNITED STATES DISTRICT COURT**

D. C. Form No. 100A Rev.

| TITLE OF CASE  | ATTORNEYS   |
|--|---|
| <b>THE UNITED STATES</b><br><br><b>vs.</b><br><br><b>Eugene Carlton MARTIN, (Bond)</b><br><br><b>Defendant.</b><br><br><br>Def. address: Bill Smalley<br>531 W. 45th (224-6055) →<br>Amarillo, Texas | For U. S.:<br><br>Ben F. Baker, Asst. USAtty.<br><br><br>For Defendant:<br><del>Alfred L. Maxwell (Ret)</del><br><del>Norman G. Lamb</del> L. G. Hawkins (Ret)<br><del>Lamb and Maxwell</del> P. O. Box 1143<br>Box 1751 Sapulpa, Okla. 74066<br>Enid, Okla. 224-8545<br>6-1-405-237-5262 |

| STATISTICAL RECORD                                       | COSTS      | DATE    | NAME OR RECEIPT NO. | REC.  | DISB. |
|--|------------|---------|---------------------|-------|-------|
| J.S. 2 mailed 10-1-73.                                   | Clerk      | 2/21/74 | Hawkins             | 5.00  |       |
| J.S. 3 mailed 3-1-74.                                    | Marshal    | 2-28-74 | C/D #33             |       | 5 00  |
| Violation Embezzlement of chattels moving in interstate. | Docket fee | 3-17-78 | Martin              | 25 00 |       |
| Title 18   |            | 4-12-78 | Martin              | 25 00 |       |
| Sec. 659   |            |         |                     |       |       |
| 4 Counts.<br>(\$5,000.00/10 Yrs.)                        |            |         |                     |       |       |

| DATE    | PROCEEDINGS   |
|---------|---|
| 9-5-73  | Indictment, filed in open court. v  |
| 9-5-73  | Record vote of the Grand Jury, filed in open court. v   |
| 9-5-73  | Warrant issued for arrest of Eugene Carlton Martin - bond fixed at \$5,000.00, cash or surety. v  |
| 9-14-73 | Return on Warrant of Arrest, filed. Executed by arresting Deft. on 9-6-73. v  |
| 9-18-73 | Def. present in person and rep. by Alfred L. Maxwell, ret counsel. The govt rep. by B. Baker. Def. acknowledges receipt of Indictment. Def. arraigned and enters pleas of NOT GUILTY as to Cts. 1 to 4, and case passed to 10-23-73 at 9:30 am for jury trial. Def. now on bond fixed by Magistrate in Amarillo, Texas, and bond fixed in this court in the amt. of \$5,000, with condition def. not leave district except for trucking business in Okla. and Texas. (AEB-J)h |
| 9-18-73 | Appearance Bond for the Deft. Martin, in the amount of \$5,000.00, personal, filed with Order Specifying Methods & Conditions of Release. (CSB-USMag.)v   |

| DATE     | PROCEEDINGS   |
|----------|---|
| 9-20-73  | Appearance Bond for the Deft. from the N.D. of TX, in the amount of \$5,000.00. (Robert R. Sanders-U.S.Mag.)v <i>no conditions</i>  |
| 9-21-73  | Application of defendant to have bond extended. h <i>04109</i>  |
| 9-25-73  | Order extending def.'s bond to include N.M., Ariz., Colo., Kan, La., Mo., Ark., Miss., & Tenn., in add. to Texas and Okla., filed. (AEB-J)rm <i>replied</i>   |
| 10-1-73  | Notice setting jury trial for 10-23-73 at 10:00 a.m., filed. jj<br>copies mailed  |
| 10-23-73 | Case called for jury trial and stricken. Parties present and def. makes oral motion for continuance, and court directs def. and govt, with affidavit of def, to file motion for continuance; case passed to Mon. 10-29-73 pending filing of motion.(AEB-J)h   |
| 10-23-73 | Motion for continuance filed by defendant. (copy to D.Barnes)h  |
| 10-23-73 | Order filed that the motion for continuance is sustained and the cause set for trial on next jury term. (AEB-J)h -copies mailed-  |
| 12-12-73 | It is ordered that this case is set for jury trial on Mon. 1-7-74 at 9:30am(AEB-J)  |
| 12-26-73 | Application for withdrawal filed by Alfred L. Maxwell, atty for deft. (AEB-J)h<br>-copy to D. Barnes-   |
| 12-31-73 | Order filed allowing Alfred L. Maxwell to withdraw as defense counsel.(AEB-J)a  |
| 1-4-74   | Motion for Continuance and to Withdraw Plea filed by L. G. Hawkins (New retained counsel) e <i>Copy to Barnes</i>   |
| 1-4-74   | It is ordered that this case is stricken from the January 7, 1974 docket to the January 21, 1974 docket upon def's motion <del>which was xxxxxxxxxxxxxxxxx</del><br><del>xxxxxxxxxxxxxxxxxxxx</del> for continuance. It is further ordered that this is the last continuance which will be granted. (AEB-J)e  |
| 1-4-74   | Order, filed, that Mtn. for Cont. be sustained. Trial stricken from jury docket 1-7-74 and jury trial be reset at 10:00 a.m. Monday, 1-21-74. (AEB-J)jj   |
| 1-15-74  | <i>copies mailed</i><br>Minute Order: Deft. Martin is granted leave to file tendered Motion's . No further motions will be entertained. Motions are set for hearing and determination prior to J/T set for Jan. 21, 1974 at 10:00 a.m. (AEB-J)e   |
| 1-15-74  | Motion to Supress, Motion for Production of Grand Jury Testimony, Motion for Discovery and Motion to Dismiss, filed. js <i>Copy to Barnes</i>   |
| 1-15-74  | Brief in Support of all Motions, filed. js  |
| 1-17-74  | Govt's response to def't's motions, filed. hm   |
| 1-17-74  | Case transferred to Judge Luther Bohanon. (AEB-J)hm   |
| 1-21-74  | Case called for jury trial. Evidentiary hearing held out of presence of jury on def't's motion to suppress. Rule invoked. Deft's witnesses sworn: Shirley Martin, Mrs. Lee Morgan, Eugene Martin. Deft. rests. Pltf's witnesses sworn. T. Scott Hendricks. Motion to suppress denied. Motions for production of grand jury testimony, for discovery & to dismiss denied. Govt. to make available to def't. any relevant documents. Govt. to prepare order. Case passed to 1-22-74 at 9:30 a.m. for jury trial. (LB-J)hm |

(continued)

D. C. 109A  
CRIMINAL DOCKET

SHEET NO. 2, PAGE NO. 3

| DATE   | PROCEEDINGS  |
|--|--|
| 1-22-74  | Order on def't's motion, filed, overruling motion to suppress, motion for production of grand jury testimony, motion for discovery, and motion to dismiss. (LB-J)hm  |
| 1-22-74  | Jury trial held Jan 22 & 23rd. Deft. present & rep. by L. G. Hawkins and Bill Smalley. Jury sworn. Deft's motion for dismissal prior to opening statement overruled. Pltf. rests. Deft's motion for dismissal again denied. Parties rest. Closing arguments made. Instructions given. Jury retires to deliberate at 4:48 p.m. on 1-22-74. Jury admonished and excused at 6:05 p.m. on 1-22-74 and returns on 1-23-74 to continue deliberating at 9:05 a.m. Jury returns with verdict finding def't. guilty as to Cts. 1,2,3 & 4 at 10:02 a.m., is polled and discharged. Verdict ordered received, read and filed in open court. Deft. gives oral intention of appeal. Deft. to remain on present bond & sentence passed. Ct. recessed. (10:10 a.m.)(LB-J)hm |
| 1-23-74  | Verdict, filed, finding def't. guilty as to Cts. 1,2,3&4.  |
| 1-23-74  | Instructions, filed in open court  |
| 1-23-74  | Trial exhibits, filed. hm  |
| 2-1-74   | Case set for <sup>sentence</sup> 2-8-74 at 11:00 A. M. (LB-J). s   |
| 2-8-74   | Case called for sentence. Deft. present and represented. Deft. & counsel asked if they have anything to say before sentence is passed.   |
| Judgment and Sentence - Eugene Carlton Martin  |  |
| Ct. 1 - Atty. Gen. - Five (5) Years, and pay a fine unto the USA in the amount of \$5,000.00.  |  |
| Ct. 2 - Atty. Gen. - Five (5) Years  |  |
| Ct. 3 - Atty. Gen. - Five (5) Years  |  |
| Ct. 4 - Atty. Gen. - Five (5) Years  |  |
| It is adjudged that Cts. 2,3&4 shall run concurrently with Ct. 1. The Court recommends that the def't. be placed in a minimum security type institution. Deft. advised of right to appeal and allowed to remain on present \$5,000 cash or surety bond. (LB-J)hm |  |
| 2-8-74   | Judgment and Commitment, filed and entered. (LB-J)hm   |
| 2-8-74   | Two c/c of J&C delivered to U.S. Marshal. hm   |
| 2-19-74  | Notice of appeal by def., filed. rm (copies to counsel and USCA)   |
| 3-15-74  | Designation of appeal record, filed. g   |
| 7-5-74   | Time to docket appeal extended to 8-26-74 by USCA. g   |
| 8-26-74  | Transcript of Proceedings at Trial and Sentencing, Dates 1-22, -23, 1974, and 2-8-74, Frank M. Sickles, CSR, filed. v  |
| 8-26-74  | Appeal record (2 vols.) transmitted to USCA. rm  |
| 4-9-75   | Mandate and opinion of USCA, affirming judgment of 2/8/74, filed and spread of record. rm (letter to def.re surrender; copies to counsel & USM)  |
| 4-17-75  | Appeal record (2 vols.) rec'd from USCA. g   |
| 4-22-75  | MO: Ordered by the Ct. that def., having failed to comply with Mandate of USCA to surrender himself on 4/19/75, it is ordered that appearance bond be forfeited and that bench warrant issue by Clerk of Ct. with no bond being set or allowed by Court.(LB-J)rm-warrant issued and parties notified by letter.  |

| DATE    | PROCEEDINGS   |
|---------|---|
| 5-1-75  | Appl. of def. to set aside bond revocation, filed. rm   |
| 5-1-75  | Appl. of def. for reduction, modification, etc. of sentence, pursuant to Rule 35, filed. rm   |
| 5-1-75  | MO: Ordered by the Ct. that the U.S.A. is granted 10 days to respond to appls. of defendant; thereafter the Ct. will set appsl. for hearing. (LB-J)rm - letter to counsel   |
| 5-6-75  | Pltf. response to def. mo/under Rule 35, filed.rm   |
| 5-6-75  | Response of pltf. to def. appl. to vacate bond forfeiture, filed. rm  |
| 5-15-75 | MO: Case set for hearing on def. mo/reduction, modification, etc of sentence under Rule 35, and mo/set aside bond revocation, for 9:30 a.m., 6/2/75. (LB-J)rm - notices mailed  |
| 6-2-75  | Hearing held on def.'s motion reduction of sentence and application to set aside bond revocation. Parties present and rep. Mr. Martin present. Statements made. Mo/reduce or modify denied by the Court. Mo/set aside bond revocation taken under advisement by the Court. (LB-J)rm |
| 6-16-75 | Order, filed denying defendant's motion to vacate bond forfeiture.(LB-J)g   |
| 6018-75 | Warrant for Arrest, ret. & filed: deft. arrested 5-1-75. g  |
| 1986    | RELEASE & satisfaction of jmn't. ag   |
| 2-3     |   |